

JOSEPH & KIRSCHENBAUM LLP

Attorneys at Law

Charles Joseph
D. Maimon Kirschenbaum
Douglas Weiner
Matthew Kadushin
Denise Schulman

The Woolworth Building
233 Broadway, 5th Floor
New York, NY 10279
Phone 212) 688-5640
Fax (212) 688-2548
www.jk-llp.com

Of Counsel:

Diane Hester
Michael DiChiara*

*Also admitted in NJ & MA

April 24, 2014

VIA ECF

Hon. Analisa Torres, U.S.D.J.
United States District Court
Southern District of New York
United States Courthouse
500 Pearl St.
New York, NY 10007

**Re: *Fonseca, et al v. Dircksen & Talleyrand, et al,*
Case No.: 13 civ 05124**

Dear Judge Torres,

We represent Plaintiffs in the above-referenced matter. In accordance with Your Honor's instructions at the status conference held earlier this afternoon, we write, on behalf of both Plaintiffs and Defendants, to set forth the schedule by which Defendants will inform the Court of their desire to move for summary judgment.

The parties have agreed to the following schedule: Defendants will serve Plaintiffs with an electronic copy, in Microsoft Word format, of Defendants' Statement of Material Facts pursuant to Local Civil Rule 56.1 by July 18, 2014. Plaintiffs will serve Defendants with their opposing statement of facts by August 8, 2014. Defendants will then submit a pre-motion letter to the Court by August 15, 2014, indicating their desire to move for summary judgment and attaching their statement of facts with Plaintiffs' responses. Plaintiffs will submit a letter in opposition to Defendants' request by August 22, 2014.

The Court approved of the parties' suggestion to wait to set a briefing schedule for the Plaintiffs' motion for Rule 23 class certification until the Court has considered Defendants' request to file a motion for summary judgment. The Court also approved of the parties' suggestion to set the same briefing schedule for Defendants' summary judgment motion as for Plaintiffs' motion for Rule 23 class certification, should the Court grant Defendants' request to file a summary judgment motion.

Thank you for your consideration of this matter.

Respectfully submitted,

JOSEPH & KIRSCHENBAUM LLP

s/Josef Nussbaum/

Josef Nussbaum

CC: Craig R. Benson, Esq. (via ECF)
Sarah E. Moss, Esq. (via ECF)